



*Courtesy of the House Education & the Workforce Committee  
Howard P. "Buck" McKeon, Chairman*

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## **Witnesses Question Administration of Current Guest Worker Programs, Describe Key Provision of Senate Guest Worker Expansion as 'Troubling'**

**WASHINGTON, D.C.** – Witnesses testifying before the U.S. House Education & the Workforce Committee today cited problems in the administration of existing guest worker programs and highlighted a "troubling" provision within Senate immigration legislation, which includes a guest worker program expansion. The Committee held the first in a series of hearings on illegal immigration and its impact on American students and workers. Today's hearing focused broadly on the impact of illegal immigration on the workforce, with a particular focus on guest worker programs.

"In recent months, we've seen divisions on guest worker programs manifest themselves here on Capitol Hill and throughout the nation," said Committee Chairman Howard P. "Buck" McKeon (R-CA). "Some see an expansion of guest worker programs as a path to citizenship, while others see it as a slippery slope toward amnesty. Our Committee's role is to gather balanced input on these programs and any proposals to expand them, and today, our findings pointed to programs in need of reform and an especially troubling provision in the Senate's blueprint to expand them."

The troubling provision cited by McKeon was highlighted by Elizabeth Dickson, a supporter of guest worker programs and Manager of Global Immigration Services for the Ingersoll Rand Company in Montvale, New Jersey.

She explained her confusion over language in the Senate immigration bill that would force some employers – including small businesses – to pay guest-workers more than Americans doing the same job in the same city.

**“The temporary worker provisions of the Senate-passed bill also contain a number of troubling provisions,” said Dickson. “In particular, section 404 of the bill, related to employer obligations, includes a number of requirements that are unclear, unnecessary, or simply unwise and we hope that should Congress move to enact a new temporary worker program that these problems will be addressed. The most troubling provisions include... Confusing prevailing wage language that could be read as vastly expanding the Davis-Bacon Act so that temporary worker participants on a non-Davis-Bacon Act project could have to be paid Davis-Bacon wages.”**

McKeon noted that the Committee would host a field hearing on the topic of illegal immigration and worker wages next month and will examine this prevailing wage provision more deeply. The prevailing wage language was included in the Senate’s underlying legislation and was reaffirmed by a Democrat amendment offered while the bill was considered on the Senate floor. The provisions would have the effect of expanding what was solely a requirement for federal construction programs to apply also to private sector projects.

Luawanna Hallstrom, Vice President of Harry Singh and Sons, a family-owned farming operation in Oceanside, California, explained to Members some problems her company has confronted with guest worker programs, particularly following the September 11, 2001 terrorist attacks.

**“Agriculture has a guest worker program called the H-2A program that has been around for nearly 50 years without significant reform,” said Hallstrom. “It does not work. Our business has learned this the hard way. Our experience is instructive. Our experience with this program has been almost as bad as that we encountered in losing our crop. The government bureaucracy did not move quickly enough to approve our emergency application in a timely manner [after September 11]. The regulatory complexity of the program has forced us to hire an army of lawyers and consultants in order to try to make it work. It is now clear to us why this dysfunctional guest worker program provides less than three percent of the temporary and seasonal agricultural workers required by labor intensive agriculture.”**

Dr. Philip Martin, Ph.D., a professor of Agricultural and Resource Economics at the University of California-Davis, detailed findings of research he has conducted on the state of current guest worker programs, noting that temporary programs often are more permanent in nature.

**“The intent of guest worker programs is to add workers to the labor force temporarily, but not add permanent residents to the population,”** Martin noted. **“There are many such programs. Almost without exception, their results can be summarized in a simple phrase: there is nothing more permanent than temporary foreign workers. In almost all countries and in virtually all time periods, guest worker programs tend to become larger and to last longer than anticipated, and some of the migrant workers settle with their families.”**

Finally, Jack Martin, the Special Projects Director of the Federation for American Immigration Reform (FAIR), returned to the topic of the Senate immigration bill and its call for an expansion of guest worker programs. He explained to the Committee his view on how such an expansion could negatively impact the U.S. workforce.

**“Just the increased H-1B ceiling and the new H-2C visa provisions alone, because they allow for stays of up to 6 years, could result in a foreign workforce that in six years could grow to more than 2.8 million workers – more than double the 2004 level,”** Martin said. **“FAIR views the various current visa programs that allow aliens to work temporarily in the United States as excessive, poorly conceived, subject to abuse, and in many ways unfair to the American worker. It should also be clear that FAIR finds the expansion of foreign temporary worker programs provided for in [the Senate bill] unwarranted and injurious to the American workforce.”**

“Though there was disagreement among our witnesses about the value of guest worker programs, there was a commonly-held view that these programs need reform and a closer examination of a potential expansion of them is warranted,” concluded McKeon. “As Congress moves toward sending a tough border security and enforcement bill to President Bush, our Committee will continue to gather input on the impact of potential legislation on American workers.”

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